

# The Pacific Commercial Advertiser

U. S. WEATHER BUREAU, AUG. 2.—Last 24 hours' rainfall, Trace. Temperature, Max. 83; Min. 73. Weather, Cloudy to Fair.

SUGAR.—96 Test Centrifugals, 4.0625c.; Per Ton, \$81.25.  
SS Analysis Beets, 9s. 9d.; Per Ton, \$82.00.



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HONOLULU, HAWAII TERRITORY, THURSDAY, AUGUST 3, 1905.

PRICE FIVE CENTS

## BOARD TRIES TO MAKE TRENT PAY THE COIN TO SAM

### Johnson Sent to Treasurer With a Blanket Warrant, but He Comes Back Empty-Handed.

The feature of yesterday's session of the Board of Supervisors of Oahu County was the discussion over the refusal of County Treasurer Trent to honor a blanket warrant payable to Samuel Johnson, Road and Garbage Supervisor of Honolulu. This warrant, amounting to \$1446.44 was intended to cover the payroll of the garbage department and the supervisors expected that Johnson would draw the entire sum and himself pay the individual employees. Trent, however, took the position that he could not pay any warrant that did not state for what services or material the money was to be paid. As this warrant stated that the services had been performed by the attached list of employees and not by Johnson, he could not see how he could legally pay the money to Johnson, no matter how much confidence he had in the latter's honesty.

When Trent refused to pay the warrant he notified Chairman George W. Smith of the Board of Supervisors to that effect and the latter obtained an opinion from the County Attorney. It seems, however, that Mr. Douthitt was not correctly informed as to Mr. Trent's reasons for refusing to pay. The opinion he gave was to the effect that the treasurer had no right to go back of the supervisors if the warrant was properly drawn to Johnson's order and legally approved by the supervisors. There was a slight technical mistake in the approval of the warrant and this was rectified at yesterday's meeting, but Mr. Trent still refused to pay the warrant. Upon this second refusal Mr. Douthitt went to the treasurer and held a conference with that official determining his reasons for refusal to pay and reporting the same to the supervisors. The matter was discussed by the board and it was suggested that the payroll be simply attached to the warrant and the latter made payable to Samuel Johnson. "For the payment of employees of the garbage department," The attorney stated that Mr. Trent's reply to this proposition was not entirely clear. One way of getting at the matter was for Johnson to sue out a writ of mandamus to compel Trent to pay the warrant. At the close of yesterday's meeting no plan of action had been decided upon, but it is safe to say that the matter will be discussed at today's meeting.

All the supervisors, excepting Archer, were present at yesterday afternoon's meeting, which was held in the board rooms at 3 p. m. Chairman Smith opened the business session by stating that he had received a communication from the County Treasurer announcing that he had refused to honor a blanket warrant made payable to Samuel Johnson for disbursement to employees of the garbage department. Chairman Smith also said that he had obtained an opinion from the County Attorney on the matter. The communication and opinion were read by the clerk as follows:

#### TRENT'S REFUSAL.

Honolulu, August 2, 1905.  
Mr. George W. Smith, Chairman Board of Supervisors, County of Oahu.

Dear Sir: There has just been presented to me Warrant No. 63 for \$1,446.44 payable out of "Garbage Department" to Samuel Johnson.

This seems to be intended to cover the pay of some forty men, more or less, working in the Garbage Department. Under the law providing for the payment of persons having claims against the County, I do not feel that I have authority to pay this total sum to Mr. Johnson, and I must therefore respectfully decline to honor this warrant in its present shape. I am, sir, Your obedient servant,

RICHARD H. TRENT,  
County Treasurer.

#### DOUTHITT'S OPINION.

Honolulu, August 2, 1905.  
Hon. Geo. W. Smith, Chairman Board of Supervisors, County of Oahu.

Dear Sir: In reply to communication annexed hereto, handed to me today by you, I beg to reply as follows:

Section 62, Subdivision 3, Chapter 14 of the County Act, vests the power of the authorization and expenditure of County funds in the Board of Supervisors, and reads as follows:

"To authorize and supervise the expenditure of all funds belonging to the County."

The language of this paragraph is plain, and unquestionably the Board of Supervisors has the power to direct how public funds may be expended.

The duties of the County Auditor with relation to the issuance of County warrants will be found in Section 75, Chapter 18 of the County Act, which Section does not authorize the Auditor to issue any warrants upon the Treasurer, unless the claims of the persons entitled thereto shall be first "legally examined, allowed and ordered paid" by the Board of Supervisors.

Right here it may be remarked that the Board of Supervisors has "legally examined, allowed and ordered paid" warrant No. 63 in favor of Mr. Samuel Johnson for the sum of \$1446.44. It is plainly apparent that the Auditor could not issue a warrant upon the County Treasurer, unless in pursuance of action previously taken by the Board of Supervisors with regard to the issuance of such warrant. The Auditor, when the claim has been "allowed and

ordered paid by the Board of Supervisors," is protected so far as the issuance of his warrant upon the Treasurer is concerned, and when a claim has been "legally examined, allowed and ordered paid by the Board of Supervisors," it then becomes the duty of the County Auditor to issue a warrant upon the Treasurer for the payment of the same. In other words, the Auditor, in issuing such warrant, does so in a purely ministerial or clerical capacity.

Subdivision 6 of Section 97, Chapter 22 of the County Act, with relation to the duties of the County Treasurer, reads as follows:

"Disburse County moneys only on County Warrants issued by the County Auditor, except on settlement with the Territory."

Unquestionably, the County Treasurer could not pay to any person any money except upon the warrant issued by the County Auditor.

When a warrant is issued upon the County Treasurer by the County Auditor, it then becomes the duty of the County Treasurer to honor and pay such warrant, and in this behalf it might be added that the duty of the County Treasurer in paying such warrant is purely ministerial, the County Treasurer or Auditor not having any discretion in the premises, such power being vested in the Board of Supervisors as hereinabove pointed out.

Therefore, it seems to me that the County Treasurer cannot go behind the action of the Auditor or the Board of Supervisors and refuse to honor a warrant presented to him which is in due form, authorized and ordered paid by the Board of Supervisors.

Therefore, when warrant No. 63 was ordered paid to Mr. Johnson, the County Treasurer is protected when such money is paid to Mr. Johnson, and the Treasurer is not authorized or expected to see to it that each and every dollar embraced in the amount of the warrant is properly paid to the persons for whom the warrant is drawn inasmuch as the warrant is payable to Mr. Johnson. If these moneys should not be properly applied by Mr. Johnson to the persons entitled thereto, then the remedy of such persons would be either against Mr. Johnson or the County of Oahu for non-payment of the amounts due them.

In conclusion, I cannot see any reason why the Treasurer should withhold the payment of this warrant to Mr. Johnson. I have the honor to be, Respectfully yours,

E. A. DOUTHITT,  
County Attorney, County of Oahu.

Mr. Douthitt was present and stated that he wrote the opinion under the understanding gained from Mr. Bicknell, that the warrant in question had been authorized by the Board of Supervisors for payment to Mr. Johnson, he to disburse it to the individual employees. If such was the case the treasurer had no right to go behind the action of the board.

After considerable discussion and ex-

(Continued on Page 2.)

## TRENT AGAIN REFUSES TO HONOR BLANKET WARRANT

### Treasurer Holds That Employees Should be Paid by Individual Warrants--Statements of Trent, Smith and Johnson.

Earnings of about two score and ten employees of the Garbage Department for the month of July, aggregating \$1446.44, are withheld pending the settlement of a dispute as to the mode of payment. County Treasurer Trent, on grounds he is not backward in stating, refuses to pay the men on a blanket warrant, made out, though it is, on the regular form of county warrant, endorsed by all the officials thereto authorized and, withal, fortified with an opinion by the County Attorney. These are the endorsements that decorate the document:

"Approved ordered paid to Sam'l Johnson or order to amount of \$1446.44.

"GEO. W. SMITH,  
Chairman.

"August 2nd, 1905.

"Attest: D. KALAUOKALANI, JR.,

"County Clerk.

"Approved: JAS. BICKNELL,

"County Auditor."

County Attorney Douthitt, as elsewhere reported, having delivered a legal opinion to the Board of Supervisors which caused the endorsements quoted to be made, an Advertiser reporter called on Mr. Trent and asked him if he would state for publication the reasons why he refused to cash the garbage warrant.

According to his reply given below it is seen that the County Attorney had already asked him the same question and, on receiving the answer, admitted that when he wrote his opinion to the Supervisors he was under a misapprehension of the Treasurer's position. After seeing Mr. Trent the reporter went to Auditor Bicknell and asked him about the first authorization of the blanket warrant. He stated that it was done by the committee on forms, Chairman Smith and Mr. Adams present and Mr. Moore absent, but being uncertain of memory as to all the details he referred the questioner to Chairman Smith. The statements of Messrs. Trent and Mr. Smith here printed speak for themselves.

It is learned, besides, that after the repeated refusal of the Treasurer to cash the warrant had been reported to the Board, the members asked the County Attorney for advice as to what next should be done.

Mr. Douthitt did not give a decided answer, but suggested that a writ of mandamus might be sued out to compel the Treasurer to cash the warrant. There the matter hangs in air.

#### MR. TRENT'S STATEMENT.

"Yes, I refused to pay to Mr. Samuel Johnson the sum of \$1446.44, on County Auditor's warrant No. 63, presented at my office this morning. This 'warrant,' so-called, was, in fact, a payroll, consisting of three sheets of paper, and containing the names of forty-four employees of the Garbage Department, the amount due each being set opposite his name.

"After this payroll had been approved by the proper committee, it went to the County Auditor, and instead of making out a separate warrant for each em-

ploye, as was done in the case of the Police and Fire Departments and the band, he simply gave it a warrant No. (63), endorsed it 'Demand of Samuel Johnson for \$1446.44, payable from Garbage Department,' signed his name to it and sent it forth as a county warrant in due and legal form.

"Since I have been treasurer of the county I have read the County act through a time or two, and when I learned that it was the intention of the supervisors to order that all moneys payable in certain depart-

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## CITIZEN LABOR POLICY APPLIED TO HOME SITES

### Acting Governor Atkinson Would Compel the Grantees of Suburban Homesteads to Em- ploy Citizens in Building Houses.

Valley suitable for homesteads. We sold a piece of land up there, near the old Nuuanu homesteads. Two lots were bought by Mr. P. C. Jones. There are more for sale at the same rate.

"Superintendent Holloway asked my permission to agree to it and I, having in mind that the purchaser of the former piece, Mr. Jones, built his house with alien labor and not with the labor of citizens or those eligible for citizenship, was moved to make a suggestion.

"I have asked Mr. Holloway if a condition cannot be made—I being willing to make the sale—whereby a building of a certain value should be erected on the land, which building should be constructed by citizen labor or by those eligible to become citizens.

"On every side I see rich people putting up good houses with alien labor. There is a house costing probably \$5000, for instance, being erected on Lunalilo street by alien workmen.

"It is not right. How can we encourage people to come to this country with such a practice?

"How can we encourage the planters to bring in immigrants suitable for citizenship if those rich people do not set the example.

"I am not a member of a labor union, but it is live and let live with me."

Then Acting Governor Atkinson shot off the epigram at the head of this article, saying it was his definite policy to Americanize the instead of Japanesing this Territory.

## SUGAR CRISIS IN FRANCE

### Gigantic Speculation Leads to Large Failures and Possible Govern- ment Intervention.

(ASSOCIATED PRESS CARLETONS)

PARIS, August 3.—There are further serious sugar failures following a period of gigantic speculation. The market is disorganized and a syndicate of brokers have requested the government to intervene to prevent the extension of the crisis.

#### THE YELLOW FEVER ROSTER.

NEW ORLEANS, August 3.—The deaths from yellow fever yesterday were mostly among poor Italians. There will be no recourse to Federal control unless the condition becomes more serious.

#### JAPANESE AND PANAMA.

TOKIO, August 3.—Emigration companies here protest against sending laborers to Panama as the financial arrangements are not satisfactory and the place is unsanitary.

#### A DYING PYTHIAN.

INDIANAPOLIS, August 3.—General Carnahan, head of the uniform rank of the Knights of Pythias, is dying.

#### KAISER'S SHIPS AID SWEDEN.

STOCKHOLM, August 3.—Seven German battleships, eight cruisers and eleven torpedo boats have arrived here.

#### STRIKE IMPAIRS TRAFFIC.

ST. PAUL, August 3.—The strike of the telegraphers has seriously impaired traffic on both the railroads affected by it.

#### WOOD FOR THE PHILIPPINES.

BOSTON, August 3.—General Leonard Wood has announced his intention to return to the Philippines.

#### AFTERNOON REPORT.

NEW YORK, August 2.—Peace Commissioner De Witte and his party arrived here today on their way to Washington.

VICTORIA, August 2.—M. Pokotiloff, an expert on Manchurian affairs, arrived here today. He will proceed to Washington to assist Commissioner De Witte.

COPENHAGEN, August 2.—The Kaiser says that in case Prince Charles of Denmark is not made King of Norway, the country will be carried on as a Republic.

SAN JUAN, Porto Rico, August 2.—A longshoremen's strike in progress here resulted in a riot today. One man was killed and forty injured.

STOCKHOLM, Sweden, August 2.—A coalition ministry has been formed to carry on the affairs of the country.

NEW ORLEANS, August 2.—The yellow fever cases are increasing. There were eight deaths today with a total of 74.

## STORIES OF MUTINY ON THE LAWTON AT MANILA

Some of the men on the U. S. S. Lawton tell stories of a mutiny of short duration that occurred on board the ship at Manila. They say that there was some sort of a difference between Admiral Reiter and Commander Winder of the Lawton over a shipment of hay which the Lawton was to take to Guam. Commander Winder is said to have objected to receiving the hay during a certain day and the men report that thereupon the admiral sent it over at midnight. Of course the men were called out to load the hay, but they objected to being hauled out of their hammocks at that unearthly hour and a fuss resulted. The captain ordered out the marine guard and about twenty-five of the men were put in irons. As a result of the episode it is said that Admiral Reiter has been trying to "make it hot" for Commander Winder and it is reported that he is endeavoring to have him court-martialed.